

**FAX TRANSMITTAL****JENNER & BLOCK**

November 29, 2005

To:

Issue Fee  
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Our Ref. No.

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Serial No. 10/051,662

In Reference to Applicant: Rodriguez et al.

Filed: January 18, 2002

For: Prevention of Ovarian Cancer By Administration of a Vitamin D Compound.

Group Art Unit: 1614

Enclosed please find the following:

1. Transmittal Issue Fee Sheet (1 Page)
2. Amendment After Allowance Pursuant to §1.312 (13 Pages), with attachment at Tab A (11 Pages)
3. Comments on Statement of Reasons for Allowance (2 Pages)

Total number of pages including this cover sheet: 28

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Secretary: Panagiota T. Sotiropoulos

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Serial No.: 10/051,662

Our File No. 31140-B

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Rodriguez, et al.

Serial No.: 10/051,662

Filed: January 18, 2002

For: Prevention of Ovarian Cancer by  
Administration of a Vitamin D Compound

Examiner: R. Cook

Group Art Unit: 1614

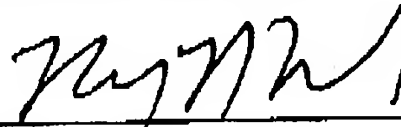
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In the Reasons for Allowance, the Examiner states that applicants' product "excludes continuous administration of all three compounds, unlike Need in which the progestin, estrogen and Vitamin D compound are each administered on a daily basis." Applicants agree that their claims excludes such a product because applicants' claims require that the "product is adapted for administration of said Vitamin D compound on a less frequently than daily basis."

Applicants note for clarification that Need makes comments on page 279 regarding "those patients given progestagen or oestrogen" and Need teaches that the "hormones" are "mainly norethisterone" (p. 276), suggesting an embodiment in Need where patients may have received a Vitamin D compound and only one of the hormone compounds, most likely the progestin norethisterone. However, in such an embodiment in Need, the Vitamin D compound and the hormone product (whether progestin or estrogen) are each still administered on a daily basis. Applicants' claims would exclude such a product with continuous' administration of both the Vitamin D compound and the hormone product, because applicants' "product is adapted for administration of said Vitamin D compound on a less frequently than daily basis." Applicants' product can include kit with two compounds (specifically a Vitamin D compound and a hormone

product such as progestin) which, unlike Need, are not both administered on a continuous basis (because applicants' claims require that the Vitamin D must be less frequently than daily). There is no motivation to combine a Vitamin D compound and a hormone product in a kit in which the Vitamin D compound and the hormone products are not all administered on a continuous basis.

Respectfully submitted,



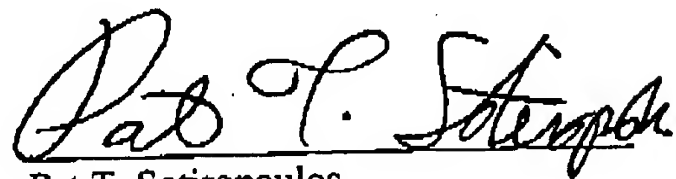
Dated: November 29, 2005

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### CERTIFICATE OF SERVICE

I hereby certify that this COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE is being facsimile transmitted to the United States Patent and Trademark Office Fax. No. (571 273-2885) on November 29, 2005.

Dated: November 29, 2005

  
Pat T. Sotiropoulos